

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|----------------------------|---|-----------------------|
| BIOVAIL LABORATORIES |) | |
| INTERNATIONAL SRL |) | |
| a corporation of Barbados, |) | |
| |) | |
| Plaintiff, |) | C.A. No. 05-586-GMS |
| |) | C.A. No. 05-730-GMS |
| v. |) | C.A. No. 06-620-GMS |
| |) | CONSOLIDATED |
| ANDRX PHARMACEUTICALS, LLC |) | |
| and ANDRX CORPORATION |) | PUBLIC VERSION |
| |) | |
| Defendants. |) | |

**DECLARATION OF STEVEN MADDOX IN SUPPORT OF DEFENDANTS'
REPLY BRIEF IN FURTHER SUPPORT OF
MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER,
AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS**

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Dated: April 11, 2007
Public Version Dated: April 18, 2007
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BIOVAIL LABORATORIES INTERNATIONAL SRL)
a corporation of Barbados,)

Plaintiff,)

v.)

ANDRX PHARMACEUTICALS, LLC and)
ANDRX CORPORATION)

Defendants.)

C.A. No. 05-586-GMS

C.A. No. 05-730-GMS

C.A. No. 06-620-GMS

CONSOLIDATED

**DECLARATION OF STEVEN MADDOX IN SUPPORT OF DEFENDANTS' REPLY
BRIEF IN FURTHER SUPPORT OF MOTION FOR LEAVE TO FILE FIRST
AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS**

I, Steven Maddox, hereby declare:

1. I am an attorney at Foley & Lardner LLP, counsel for plaintiff Andrx Pharmaceuticals, LLC, and Andrx Corporation ("Andrx") in this action.
2. My business address is 3000 K St. N.W., Suite 500, Washington, DC, 20007-5143.
3. Attached as Exhibit A is a true and correct copy of the Initial Expert Report of Roland Bodmeier, Ph.D. Regarding United States Patent No. 7,108,866.
4. Attached as Exhibit B is a true and correct copy of the Expert Report of Marvin C. Meyer, Ph.D.
5. Attached as Exhibit C is a true and correct copy of relevant excerpts of the February 2, 2007 deposition of Robin L. Teskin.

I swear under penalty of perjury that the foregoing is true and correct.

April 11, 2007



Steven Maddox

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, Kenneth L. Dorsney, hereby certify that on April 18, 2007, the attached document was hand-delivered on the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF.

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I hereby certify that on April 18, 2007, I have Electronically Mailed the documents to the following non-registered participants:

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